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IN REPLY REFER TO:

3968-20080200-PLC

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April 28, 2008

*Via E-Filing and Overnight Mail*

Patricia V. Trumbell, Magistrate  
UNITED STATES DISTRICT COURT  
Northern District of California, San Jose Division  
280 South First Street  
San Jose, California 95113

**RE: JOHNSON, et al. v. FIRST FEDERAL BANK OF CALIFORNIA**  
**Case Number: C08-00264PVT**  
**Case Management Conference: 5/6/08 at 2:00 p.m.**

Dear Honorable Patricia V. Trumbell:

This office represents the Defendant, First Federal Bank of California ("First Federal Bank"). This letter shall formally request that you allow my office on behalf of First Federal Bank to appear by telephone at the Case Management Conference set for hearing on May 6, 2008 at 2:00 p.m.

This case involves allegations by the Plaintiffs that First Federal Bank violated the Truth in Lending Act and Home Ownership Equity Protection Act in connection with the refinance of their residence in 2005. First Federal Bank denies that any violations occurred, and further contends that the claims are barred by the statute of limitations contained in the operative statutes. Defendant's first motion to dismiss the complaint, heard by this Court on March 4, 2008, was successful. Defendant's second motion to dismiss the amended complaint (and complaint filed in the identical, related action) is set for hearing on June 3, 2008.

In addition to the above-referenced matter, First Federal Bank has been engaged in the following litigation proceedings with the Plaintiffs: (1) Chapter 13 Bankruptcy of Deborah Johnson, Case Number 07-53614, filed on November 7, 2007, dismissed on January 4, 2008 due to Ms. Johnson's failure to comply with court orders; (2) Civil action filed with Monterey County Superior Court, Case Number M89900, filed on March 19, 2008, removed to Case No. 08-01796 PVT with the United States District Court, San Jose Division, and virtually identical to the case at bar (the "Monterey Action"); and (3) Unlawful Detainer filed with the Monterey County Superior Court (the "UD Action").

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First Federal Bank's counsel is located in southern California, and accordingly, the bank will have to incur travel expenses in the form of airfare (\$100.00-\$200.00) and taxi cabs (\$50.00-\$100.00) for its counsel to personally appear at the Case Management Conference. In addition, it will cost First Federal Bank 8-10 hours in attorneys' fees for its counsel to travel to the hearing in Northern California.

During the meet and confer process, Plaintiff Gerald Johnson indicated that in light of First Federal Bank's Motion to Dismiss the Amended Complaint, which is set for hearing on June 3, 2008, he intended to request a continuance of the Case Management Conference until after such motion had been heard and ruled upon. (First Federal Bank's counsel plans to travel to San Jose to personally appear at the hearing on June 3, 2008.) Due to the pending Motion to Dismiss the Amended Complaint, as well as the status of the UD Action, Plaintiff Gerald Johnson further indicated to defense counsel that the Case Management Conference set for May 6, 2008 was premature, and that the Plaintiffs had not yet decided what discovery, disclosures, and damages would be sought or appropriate in this case. Further, due to the pending Motion to Dismiss the Amended Complaint, the parties have not been able to agree upon an acceptable ADR process.

Accordingly, as First Federal Bank is trying desperately to keep the costs of this litigation down, it respectfully requests that its counsel be allowed to appear at the May 6, 2008 Case Management Conference telephonically.

Please advise as to whether this is acceptable at your earliest convenience so that we can make the necessary arrangements. Thank you for your consideration of this request.

Very truly yours,

HEMAR, ROUSSO & HEALD, LLP

By:   
PAMELA L. COX

PLC/wp  
cc: Gerald Johnson and Deborah Johnson (Plaintiffs)